



School Districts Are Prohibited From Requesting Proof of Student's Immigration Status

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By Maria E. Mazza

The Office of Civil Rights (OCR) recently issued a memorandum cautioning school districts against requesting proof of immigration status when enrolling students.

In a "**Dear Colleague**" letter, OCR noted that it has become aware of "student enrollment practices that may chill or discourage the participation, or lead to the exclusion, of students based on their or their parents' or guardians' actual or perceived citizenship or immigration status." Such practices are illegal under Titles IV and VI of the Civil Rights Act of 1964, which prohibit discrimination on the basis of race, color or national origin by public schools. Further, the Supreme Court, in the case of *Plyler v. Doe*, held that the undocumented or non-citizen status of a student (or his or her parent or guardian) is irrelevant to the student's entitlement to public education.

In order to assist school districts in complying with their duty to provide all children with equal access to public education, regardless of citizenship and immigration status, OCR provided the following examples of permissible enrollment practices, as well as examples of information that cannot be used to deny enrollment.

Proof of Residency in School District

- A school district may require students or their parents to provide proof of residency within the district. For example, a district may require copies of phone or water bills or lease agreements to establish residency.
- A school district may not ask about students' or their parents' citizenship or immigration status to establish residency within the district.

Birth Certificates to Establish Age Requirements

- In order to establish age requirements, a school district may request a copy of a student's birth certificate.
- A school district may not prevent a student from enrolling in school because he or she has a foreign birth certificate.

Social Security Numbers for Use as a Student Identification Number

- A school district may request a student's social security number for use as a student identification number only if the district informs the student and parent that providing the number is voluntary and explains the purpose of using the number.
- A school district may not prevent a student from enrolling in school for failing to provide a social security number.



Race or Ethnicity Data

- Because school districts have some federal and state obligations to report student race and ethnicity information, districts may request such information for that purpose.
- School districts may not bar students from enrolling if race and ethnicity information is not provided.

In light of OCR's warning, school districts may wish to review current student enrollment policies and procedures to ensure that they are not utilizing any prohibited practices that discourage enrollment based on a student's or parent's immigration status.

More Information

Maria E. Mazza
mm@franczek.com
312.786.6194

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